

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LUIS RUIZ #186562,

Plaintiff,

Case No. 2:07-cv-123

v.

Honorable Wendell A. Miles

GERALD HOFBAUER, et al.,

Defendants.

JUDGMENT

In accordance with the Opinion and Order entered this date;

IT IS HEREBY ORDERED that the complaint is dismissed as frivolous and failing to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b), as well as 42 U.S.C. § 1997e.¹

IT IS FURTHER ORDERED that, for the same reasons that the Court dismisses the action, the Court discerns no good-faith basis for an appeal. *See* 28 U.S.C. § 1915(a)(3); *McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

Dated: October 10, 2007

/s/ Wendell A. Miles
WENDELL A. MILES
UNITED STATES DISTRICT JUDGE

¹ The plaintiff should be forewarned that this case will count as a dismissal for purposes of 28 U.S.C. § 1915(g). Section 1915(g) as enacted by the Prison Litigation Reform Act (PLRA), Pub. L. No. 104-134, 110 Stat. 1321, provides that, absent special circumstances, a prisoner shall not bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted.